

REMARKS

Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The application as examined included claims 1 - 691, of which claims 1 - 656 and 660 - 664 were cancelled and claims 657 - 659 and 665 - 691 were examined.

In the present response, none of the claims are amended.

Claims 657 - 659 and 665 - 691 stand rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over, Craig (U.S. Patent No. 4,474,852) or Forgacs (Published PCT Patent Application No. WO 03/044124).

Craig describes an improved hydrophobic composite prepared by depositing on a particulate or granular core material an adherent first coat comprising a film-forming polyurethane and, optionally, asphalt, and applying to the thus-coated core material a hydrophobic colloidal oxide, such as hydrophobic fumed silica.

Forgacs describes a method for the preparation of aggregates.

Applicants express appreciation to Examiner Leszek Kiliman for the courtesy of an interview, which was granted to Applicants' representative, Sanford T. Colb (Reg. No. 26,856). The interview was held at the USPTO on April 27, 2011. The substance of the interview is set forth in the Interview Summary.

At the interview, the Examiner's rejection of the claims was discussed vis-à-vis the prior art of Craig and Forgacs. The Interview Summary Record states, in relevant part, "Claimed method has been discussed. Mr. Colb pointed out that the claimed method using water is new and beneficial in the industry from the environmental view. Also, process steps do not

require the article to be different from the prior art article. The Examiner has agreed with Mr. Colb arguments. The Examiner will reconsider his earlier position upon submission of the response.”

As discussed at the interview, independent claim 678 recites, *inter alia*, “A method of preparing a hydrophobic composite, the method comprising: applying an adherent layer onto a core material; subsequently coating said core material with a hydrophobic powder ... said adherent layer comprising a water-based gluing agent.”

In rejecting claim 678, the Examiner states:

“The Examiner submits that there is no convincing results shown in the specification that would show **unexpected results** when water based glue is used.” (Office Action, paragraph bridging pages 2 and 3, emphasis added):

As discussed at the interview, the cited prior art of Craig and Forgacs describe hydrophobic composites prepared using urethane as a glue. This glue is solvent based, and the preparation of the hydrophobic composite requires use of a solvent, which is hazardous to the environment. The method of the present invention, using water based glues to prepare hydrophobic composites, is more environmentally friendly than the methods described in the prior art. Neither Craig nor Forgacs show or suggest the use of water based glues since one would expect the hydrophobic powder to be repelled by a water based glue.

Thus, the unexpected result of the method of the present invention is that the hydrophobic powder is not repelled by the water based glue, thereby providing an environmentally friendly method for the formation of a hydrophobic composite.

The benefits of using water based glue are discussed in the specification as published (U.S. Patent Publication 2006/0257643) in paragraphs 299-301.

As discussed at the interview, Applicant respectfully submits that none of the prior art, either alone or in combination, shows or suggests the method of the present invention,

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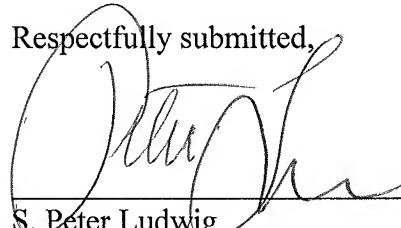
as recited in claim 678, including, inter alia, applying an adherent layer onto a core material where the adherent layer includes a water-based gluing agent. Claim 678 is therefore patentable.

Claims 657 - 659, 665 - 677 and 679 - 691 each depend directly or ultimately from claim 678 and are patentable.

Applicants reserve the right to pursue the claims as filed in the context of a continuation application.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,


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